

FORM SUMMARY

Name of Form:	Order Concerning Sentence Adjustment §973.195
Form Number:	CR-260
Statutory Reference:	§973.195, Wisconsin Statutes
Benchbook Reference:	CR 38
Purpose of Form:	To enable a court to grant or deny sentence adjustment.
Who Completes It:	The court
Distribution of Form:	Original to court file, copies to inmate, district attorney, victim(s), if any, Department of Corrections.
Accompanying Forms:	Amended Judgment of Conviction, if petition is granted.
New Form/Modification:	Modification; last update 2/03.
Modifications:	Removed finding #5, “the inmate has/has not satisfied the requirements for receiving a sentence adjustment.” Under #3 of order section, added “the inmate is serving a sentence for a Class A or Class B felony” as another reason for denying petition.
Comments:	<p>This form was created to comply with the requirements of 2001 Wisconsin Act 109.</p> <p>The statute requires denial of the petition whenever:</p> <ul style="list-style-type: none">• the inmate has not served the applicable percentage of the inmate’s sentence• there is an objection by the district attorney• there is an objection by a victim designated in §973.195(1r)(d)• the inmate is serving a sentence for a Class A or Class B felony <p>Absent any of the above statutorily mandated reasons for denial, RMC believes the court may deny the petition without giving any reason. However, because the standard for granting a petition is “sentence adjustment is in the public interest,” RMC believes that a failure to meet this standard would be a basis for denial. Accordingly, one of the bases for denial on the form is that the petition “is not in the public interest.”</p> <p>Although written reasons are required whenever a petition is granted, the statute is silent as to whether written reasons are required when the petition is denied. RMC recommends that when the petition is denied because it is not in the public interest, the reasons for denial be given in writing and attached to this form to demonstrate that sentencing discretion was exercised.</p>
About this form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>